

FILED: KINGS COUNTY CLERK 08/05/2021 06:23 PM

NYSCEF DOC. NO. 1

INDEX NO. 519777/2021

RECEIVED NYSCEF: 08/05/2021

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
MARIO A. SOBERS,

Plaintiff,

against

HARMONY GREENHOUSES, LLC and EDGAR REYES,

Defendants.
-----X

Index No.

Summons

Plaintiff's Residence

162 Troy Avenue, Apt 13D
Brooklyn, NY 11213

The basis of venue designated is:
Plaintiff(s) residence.

To the above named Defendant(s)

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorney(s) within twenty days after the services of this summons exclusive of the day of service, where service is made by delivery upon you personally within the state, or within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: New York, New York
August 5, 2021

Mark J. Linder, Esq.

Harmon, Linder & Rogowsky, Esqs.
Attorneys for Plaintiff(s)
3 Park Avenue, 23rd Floor
Suite 2300
New York, NY 10016

Harmony Greenhouses, LLC
849 Marble Hill Road
Phillipsburg, NJ 08865

Edgar Reyes
140 South Main Street
Phillipsburg, NJ 08865

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF **KINGS**

-----x
MARIO A. SOBERS,

VERIFIED COMPLAINT

Plaintiff,

-against-

HARMONY GREENHOUSES, LLC and EDGAR REYES,

Defendants.

-----x
Plaintiff, complaining of the defendants herein by his
attorneys, HARMON, LINDER & ROGOWSKY, ESQS., respectfully sets
forth and alleges, as follows:

**AS AND FOR A CAUSE OF ACTION
ON BEHALF OF MARIO A. SOBERS**

1. That at the time of the commencement of this action plaintiff was a resident of the County of **KINGS**, State of New York.
2. That at all times herein mentioned defendant, **HARMONY GREENHOUSES, LLC**, was a corporation authorized to do business in the State of New York.
3. That at all times herein mentioned defendant, **HARMONY GREENHOUSES, LLC**, was the owner of an automobile bearing registration number **XZV82A**, State of New Jersey.

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4. That at all times herein mentioned defendant, **EDGAR REYES**, was the operator of the aforesaid automobile bearing registration number **XZV82A, State of New Jersey**.

5. That at all times herein mentioned defendant, **EDGAR REYES**, was in physical charge, operation, management and control of the aforesaid vehicle owned by the defendant, **HARMONY GREENHOUSES, LLC**, with the knowledge, consent, and permission, either express or implied of the defendant owner thereof.

6. That at all times herein mentioned plaintiff, **MARIO A. SOBERS**, was the operator of an automobile bearing registration number **DZA5104, State of New York**.

7. That on the **Third day of December 2018**, at approximately **9:35 a.m.**, the aforesaid vehicles came into contact with plaintiff's vehicle at **Bowery**, at or near its intersection with **Canal Street**, a public street and thoroughfare, in the County of **New York**, State of New York.

8. The defendants so carelessly and negligently operated their aforesaid respective vehicles so as to cause the aforesaid contact.

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9. That as a result of the foregoing, this plaintiff was caused to and did sustain severe and serious injuries and was required to seek and obtain medical care and attention in an effort to cure and alleviate same and, upon information and belief, will be compelled to do so in the future.

10. That the aforesaid occurrence and the injuries sustained by this plaintiff were caused by the negligence of the defendants.

11. That this plaintiff has sustained a serious injury as the same is defined in Subdivision "d" of Section 5102 of the Insurance Law of the State of New York.

12. That this action falls within one or more of the exceptions set forth in Section 1602 of the CPLR.

13. That by reason of the foregoing, plaintiff, **MARIO A. SOBERS**, has been damaged in an amount which exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

WHEREFORE, plaintiff, **MARIO A. SOBERS**, demands judgement against the defendant in the **Cause of Action** in an amount which exceeds the jurisdictional limits of all lower courts that would

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otherwise have jurisdiction; all together with the costs and disbursements of this action.

Dated: New York, NY
August 5, 2021

Mark J. Linder, Esq.
HARMON, LINDER & ROGOWSKY, ESQS.
Attorney(s) for Plaintiff(s)
3 Park Avenue, Suite 2300
New York, New York 10016
(212) 732-3665
MJL/mj

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ATTORNEY'S VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

I, the undersigned, am an attorney admitted to practice in the Courts of New York State,
and say that:

I am the attorney of record or of counsel with the attorney(s) of record for plaintiff.

I have read the annexed **SUMMONS AND VERIFIED COMPLAINT** and know the
contents thereof and the same are true to my knowledge, except those matters therein which are
stated to be alleged on information and belief. As to those matters, I believe them to be true.
My belief, as to those matters therein not stated upon knowledge is based upon the following:
Interviews and/or discussions with the plaintiff(s) and papers and/or documents in the file.

The reasons I make this affirmation instead of the plaintiff is because said plaintiff
resides outside of the county from where your deponent maintains his office for the practice of
law.

Dated: New York, New York
August 5, 2021

Mark J. Linder

Mark J. Linder, Esq.

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Year

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

MARIO A. SOBERS,

Plaintiff,

-against-

HARMONY GREENHOUSES, LLC and EDGAR REYES,

Defendants.

SUMMONS AND VERIFIED COMPLAINT

HARMON, LINDER & ROGOSWKY, ESQS.

Attorney for Plaintiff(s)
3 Park Avenue, 23rd Floor
Suite 2300
New York, NY 10016
(212) 732-3665 Phone
(212) 732-1462 Facsimile

To:

Attorney(s) for Defendant

Service of a copy of the within Summons and Complaint is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

- ☐ Notice of Entry that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on
- ☐ Notice of Settlement
that an order of which the within is a true copy will be presented for settlement to the
Hon. _____, one of the judges of the within named Court, at _____,
on _____.

Dated:

Yours, etc.
Harmon, Linder & Rogowsky, Esqs.
Attorneys for Plaintiff
3 Park Avenue, Suite 2300
New York, NY 10016
(212) 732-3665